

SIGNED BY GOVERNOR

(February 3, 1995)

S.C.R. 8	S.C.R. 14
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SENT TO GOVERNOR

(February 6, 1995)

S.C.R. 21**S.C.R. 36****SIGNED BY GOVERNOR**

(February 6, 1995)

S.B. 18 (Effective immediately)**SIXTEENTH DAY**

(Tuesday, February 7, 1995)

The Senate met at 10:30 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Harris, Sims.

A quorum was announced present.

The Reverend Dan Davis, St. Matthew's Episcopal Church, Austin, offered the invocation as follows:

Father, I pray for these men and women. You know how much they need it. They are facing problems that are far too immense for them to handle alone. They are not smart enough, nor do they have the capacity. I ask that You would do miracles for them! I hold before You the problems in their individual lives that are beyond their capacity. I ask that You would meet them in their disappointments, in their failures, and in their broken hearts. I

pray that You would also supply what they need to handle the awesome task of leading this state. I mourn over the criticism and the ridicule with which we reward their finest efforts. I pray that You would give them the humility to acknowledge their helplessness in the face of such insurmountable problems. I ask that You would do for them what they do not deserve. Give them wisdom that they have never known before. Give them courage to believe for righteous causes and to realize victory in the face of overwhelming opposition. I bless them and ask that they would be the channel of Your love and of good government to our state. In the name of Jesus, I pray. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

On motion of Senator Truan, Senator Harris was granted leave of absence for today on account of illness.

On motion of Senator Truan, Senator Sims was granted leave of absence for today on account of illness.

CO-AUTHORS OF SENATE BILL 141

On motion of Senator Ellis and by unanimous consent, Senators Montford and Turner will be shown as Co-authors of **S.B. 141**.

CO-AUTHOR OF SENATE BILL 182

On motion of Senator Rosson and by unanimous consent, Senator Zaffirini will be shown as Co-author of **S.B. 182**.

CO-AUTHORS OF SENATE BILL 246

On motion of Senator Wentworth and by unanimous consent, Senators Cain, Nelson, Nixon, Whitmire, and Zaffirini will be shown as Co-authors of **S.B. 246**.

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate:

S.C.R. 39

SENATE CONCURRENT RESOLUTION 40

Senator Cain offered the following resolution:

S.C.R. 40, Designating the community of Wills Point to be the Bluebird Capital of Texas.

The resolution was read.

On motion of Senator Cain and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

(Senator Truan in Chair)

MESSAGE FROM THE HOUSE

House Chamber
February 7, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 6, Designating Wills Point as the Bluebird Capital of Texas.

Respectfully,

Cynthia Gerhardt, Chief Clerk
House of Representatives

CAPITOL PHYSICIAN

The Presiding Officer recognized Senator Wentworth, who presented Dr. Flint DeShazo of Round Rock as the "Doctor for the Day."

Dr. DeShazo, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was made welcome by the Senate.

(President in Chair)

CONCLUSION OF MORNING CALL

The President at 10:38 a.m. announced the conclusion of morning call.

SENATE BILL 319 ON SECOND READING

Senator Armbrister moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **S.B. 319** be taken up for consideration at this time:

S.B. 319, Relating to a nonsubstantive recodification of the Public Utility Regulatory Act.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Sims.

The bill was read second time.

Senator Armbrister offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 319** by inserting a new section, appropriately numbered, to read as follows and renumbering subsequent sections appropriately:

SECTION____. (a) This Act is a nonsubstantive revision of the Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes) (PURA) and is subject to the applicable provisions of law relating to the interpretation of nonsubstantive revisions of law.

(b) The repeal of PURA by this Act does not affect an amendment of PURA by the 74th Legislature, Regular Session, 1995. The amendment is preserved and given effect as part of this Act.

(c) If a provision of this Act conflicts with a statute enacted by the 74th Legislature, Regular Session, 1995, the statute controls.

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 319 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 319** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Sims.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

MOTION TO ADJOURN

On motion of Senator Truan and by unanimous consent, the Senate at 10:43 a.m. agreed to adjourn at the conclusion of the Joint Session today until 11:00 a.m. tomorrow.

RECESS

On motion of Senator Truan and by unanimous consent, the Senate at 10:44 a.m. recessed until 11:00 a.m. today for the Joint Session.

AFTER RECESS

JOINT SESSION

(To hear State of the State address by the Honorable George W. Bush, Governor of the State of Texas)

The President announced the time had arrived to hear an address by Governor George W. Bush, pursuant to the provisions of **S.C.R. 32**.

The President of the Senate and the Senators present, escorted by the Secretary of the Senate and the Sergeant-at-Arms, proceeded to the Hall of the House of Representatives at 11:00 a.m.

The President was announced and, on invitation of the Speaker, occupied a seat on the Speaker's rostrum.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

The Honorable George W. Bush, Governor of the State of Texas, was announced by the Doorkeeper of the House.

The Governor's party was escorted to the Speaker's rostrum by Senators Leedom, Brown, Henderson, Ratliff, Bivins, and Sibley on the part of the Senate, and Representatives Brimer, Giddings, Hilbert, Pitts, and Stiles on the part of the House.

The Honorable Bob Bullock, President of the Senate, called the Senate to order and announced a quorum of the Senate present.

The Honorable Pete Laney, Speaker of the House of Representatives, called the House to order, announced a quorum of the House present, and stated the purpose of the Joint Session.

Speaker Laney introduced the following platform guests: First Lady Laura Bush; Secretary of State Tony Garza; Insurance Commissioner Elton Bomer; Chief of Staff Joe Allbaugh; Deputy Chief of Staff Reggie Bashur; Senior Advisor Cliff Johnson; Legislative Director Dan Shelley; Budget Director Albert Hawkins; and Fiscal Policy Director Mike Weiss, members of the Governor's senior staff.

Upon recognition by the Speaker, the President introduced His Excellency George W. Bush, Governor of the State of Texas, who addressed the Joint Session as follows:

Governor Bullock, Speaker Laney, Members of the 74th Legislature, distinguished guests: I am pleased to be accompanied today by my wife. Laura has been moving our family into our new home and enrolling our twins in a new school. She also has been giving speeches all over the state. She has done it all in her graceful and unflappable style. She will be a fabulous First Lady, and I am proud to have her by my side.

I also want to recognize our new Secretary of State, Tony Garza. Tony will serve not only as Texas' chief elections officer, but also as our chief liaison with our neighbors in Mexico. Mexico is an important friend and trading partner of Texas. Tony and I will work to foster a lasting and sound relationship.

I reached into your ranks in the Texas House to select an individual known for his fairness, integrity, and commitment to Texas: Elton Bomer. I want to thank Elton for his willingness to serve as Insurance Commissioner and for joining me today.

Thank you all for inviting me. I am honored to be with you in this historic chamber, your home, to share my vision for Texas.

We are going to face many difficult problems, and one of the options available to me is to declare an important issue a legislative emergency. Today, I have decided to exercise that power. I call upon you to swiftly pass an environmentally sound bill, a bill that is absolutely necessary to protect the state from "fowl" acts. It shall be known as the Killdeer Protection Act. After all, there is no telling when I might go hunting again.

Three weeks ago, I stood before you and the people of Texas and outlined my philosophy. Today, I ask your help in shaping laws based on those principles.

Our goal is to make Texas a beacon state—a state so unique, so different, that people will say that is where I want to live, that is where I want to raise my family and realize my dreams.

I recognize we can best achieve this goal by working together. Governor Bullock and Speaker Laney, two fine gentlemen, I want to personally thank you for helping my family and me feel welcome in our new home.

I also truly appreciate the spirit of cooperation that has characterized our early work together. It shows we know our task is to serve the great people of Texas. Our profound obligation transcends typical politics.

Equally important, we share a conservative philosophy. Our philosophy says people must take responsibility for their lives and actions. It says all Texans must be held accountable for their behavior.

Our philosophy tells us we must trust local people to make decisions for their communities and their schools. I want to reiterate a thought from my Inaugural Address. I fully understand that when we free people to make decisions, some will make the wrong decisions. But mistakes made closest to the people are those most easily corrected.

Our philosophy tells us that unfunded mandates at any level of government are bad public policy.

Our philosophy tells us that strong families are the foundation for a successful society.

These are not partisan values, these are Texas values.

We have already shown the people of Texas we are above partisanship. Both the Senate and the House are writing budgets that respect Texans' call for no new taxes. Chairmen Montford and Junell, Vice-chairs Brown and Delisi, I applaud the work you and your budget committees are doing.

As we move forward, this spirit of bipartisanship and our shared philosophy must guide our actions.

During my campaign, I outlined four major priorities for Texas. Those four priorities—endorsed by the people of Texas on November 8th—shape my legislative agenda.

First, let me discuss an important issue that is moving quickly through the Legislature.

The most important thing you and I can do to improve our economy and create jobs in Texas is to reform our civil justice system. We must restore public confidence by returning fairness and balance to our legal system.

Texas must end the frivolous and junk lawsuits which clog our courts, threaten producers, and delay justice for the deserving. Texans who are injured deserve swift justice and rapid compensation. All Texans, injured or not, deserve to know our courts are a place where everyone becomes equal before the law.

I urge you to put a meaningful cap on punitive damages; stop the practice of judge and court shopping; reform joint and several liability; discourage frivolous lawsuits; change the Deceptive

Trade Practices Act; end double recovery; enact medical malpractice reform; and exempt public employees and civic volunteers from being personally sued for their good faith actions.

As you know, I have declared tort reform an emergency. We must act swiftly and boldly. Texans expect meaningful tort reform and will not tolerate piecemeal or watered-down changes. The scales of justice in Texas are out of balance. It is time to stand up and say "We object."

Another major priority must be the education of our children. Education is to our state what national defense is to the federal government. If we do not do the job well, we risk our entire future. During my campaign, I met many dedicated and talented teachers, administrators, and school board members. Texas has the best education professionals in the country. We do not need to change the people. We must change the system.

We face two major issues: how to fund our schools and how to govern them.

The state's share of education funding has steadily declined in recent years, forcing local property taxes to skyrocket. We must reverse this trend. I applaud your effort to do so by committing the lion's share of new state revenues to our public schools. This is farsighted leadership for Texas.

As we tackle the question of how to govern our schools, I will be guided by an unshakable belief in the power of local control. To encourage innovation, to seek excellence, we must free local teachers, parents, and administrators to design schools which fit their communities' needs.

Some have argued the system already allows local control. I disagree. Forcing school districts to seek 5,000 waivers from state rules and regulations is **not** local control—it is central control with permission slips.

As we rewrite the education code, our mission is to create an education system that fosters change, creates an environment open to new ideas, and recognizes there are many ways to achieve educational excellence.

Here is one idea called "Home Rule Education Districts." Any school district which so chooses, by the will of the people in that district, should be able to declare itself free from any state mandate. So long as the district meets state standards, the local people should be free to chart the course to educational excellence.

The state has a role, but it is not to micromanage local districts. The state should set high standards and hold teachers and administrators accountable for results. Our measuring system should be stable and open for review. It must measure progress toward excellence in four core subjects—math, English, science, and social science. Today, we have too many education goals. When you have too many goals, you have no goals.

Texas must also have safe classrooms. We must adopt one policy for those who terrorize teachers or disrupt classrooms—zero tolerance.

School districts must be encouraged, not mandated, to start "Tough Love Academies." These alternative schools would be staffed by a different type of teacher, perhaps retired Marine drill sergeants, who understand that discipline and love go hand in hand.

If we are going to save a generation of young people, our children must know they will face bad consequences for bad behavior. Sadly, too many youths are not getting that message. Too many juveniles do not respect the law.

Our new juvenile justice system must say to our children: We love you, but we are going to hold you accountable for your actions.

To send that message, Texas must immediately confront the critical shortage of juvenile detention beds. We must be smart and creative by converting existing space to house violent juveniles.

We also must build community-based boot camps and detention centers. I envision a juvenile detention system that requires juvenile offenders to perform community service as part of their sentences.

I commend Senator Harris and Representative Goodman for their efforts to rewrite the juvenile code. Texas must lower to 14 the age at which the most violent juveniles can be tried as adults. We should expand the determinate sentencing statute. And our law enforcement and education officials must have the ability to share juvenile information and records across jurisdictional boundaries.

Discipline, strong values, and strict rules go hand in hand with our love for our children. And make no mistake, these reforms are designed to save children. I believe they can be saved.

In contrast, many adult criminals are beyond rehabilitation. It is our obligation to keep them behind bars and away from our schools and our communities. Texans have made it clear they want the most violent criminals to serve their full sentences. Senator Shapiro, I commend you for your work to end parole for child molesters.

We must put a stop to the mandatory early release program that lets criminals out even though the parole board says no. Texans expect responsible Texas officials, not a mathematical formula, to decide when and if a convict should be released.

I commend Senator Montford and Representative Gallego on their proposals to stop the endless legal delays for death row inmates. Death row inmates are entitled to a fair hearing, but their appeals must be streamlined so justice is swift and sure.

We must also fine-tune the new penal code. Senator Whitmire, I agree with you that Texas must increase penalties for criminals who assault law enforcement officials and give judges and juries more discretion in sentencing criminals. Drug dealers and other repeat offenders should face the prospect of hard prison time if they continue to flaunt the law.

Finally, I want to work with you to change a system that has not worked.

The present welfare system rewards illegitimacy, diminishes the motivation to work, and robs Texans of dignity and self-worth. We must end dependency on government and liberate people to achieve their highest potential.

We should seek waivers from the federal government to allow Texas to change the current welfare system. To encourage work and initiative, we should limit welfare benefits to two years for the able-bodied who do not have young children. We should require all welfare recipients to work, learn, or train in preparation for their day of independence. And Texas must send a clear message to welfare recipients: If you choose to have additional children beyond two while on welfare, that is your right, but the taxpayers of Texas will not provide additional money to encourage you to do so.

We can break the cycle of dependency. But we must also take steps to protect the children who are often the silent victims of irresponsibility.

To encourage more nurturing families, we should require teenage mothers on welfare to live with their parents or in another supervised setting. And we should insist welfare recipients immunize their children and enroll them in preventive health programs so the next generation of Texans has a healthy start.

Finally, Texas must hold parents responsible for supporting their children. We should require mothers to identify the fathers of their children before receiving welfare benefits. And I repeat my call that Texas should suspend any license issued to those who do not pay court-ordered child support: driver's license, doctor's license, lawyer's license, and even hunting and fishing licenses.

The skeptics say, "Governor, if you take away our licenses, we will not be able to earn a living to pay child support." To those parents, I have a simple response: pay up. For many years, you have had your licenses as well as your opportunity to fulfill your responsibility to your children. Texas' patience has run thin. No more excuses.

Welfare reform, juvenile justice reform, tort reform, and local control of our schools: those are the four issues I focused on during my campaign, the four major reasons I was elected

Governor. These are profound issues which will change Texas for the better. These are systemic changes which are long overdue.

The other day a couple of Capitol reporters said they were tired of hearing about the same four goals. I admit, I have been talking about them in almost every speech. The reporters said they were ready for goal number five. So here it is: Number five is pass the first four.

You and I know that people have become cynical. It has happened partly because government has tried to do too much. It has also happened because people run for office saying one thing and then do another. I intend to keep my word.

I know there will be many other important issues that will face this Legislature during the next four months. I look forward to working with you. You should know that my decision to support or oppose a bill will be based on whether it is consistent with my philosophy of limited government, personal responsibility, strong families, and local control.

Our work will be guided by principle, a spirit of cooperation, and the knowledge that we are all working for the best interests of the people of Texas.

As we work to create a leaner, more responsible government, we must not forget that state employees are partners in this mission. Most state employees are decent, hardworking people. When we discover inefficiencies in government, we should have the courage to change the system, not blame the people.

Together, we can make Texas a beacon state. A state where our laws encourage jobs and justice. A state where government frees our greatest resource—our people—to achieve their highest potential. A state where people feel safe in their communities, and all people know the consequences of committing a crime are swift, sure, and outweigh any potential reward. A state where our children receive an excellent education so they have the skills to compete in the next century. And a state where each citizen accepts responsibility for his or her behavior.

Governor Bullock, Speaker Laney, Members, we can and we will work together to create this beacon state. Our vision is clear and bright. We must act boldly.

I look forward to working with you, and God bless Texas.

CONCLUSION OF JOINT SESSION

Speaker Laney announced that the purpose for which the Joint Session was called having been completed, the House would stand At Ease pending the departure of its guests.

MEMORIAL RESOLUTION

S.R. 164 - By Henderson: In memory of Shely Leigh Patterson.

CONGRATULATORY RESOLUTIONS

S.R. 156 - By Nelson: Commending Jo Byler of Dublin for her accomplishments and faithfulness to the Erath County community.

S.R. 161 - By Gallegos: Congratulating Dr. John W. Nichols of Galena Park on being named the 1994 Galena Park Chamber of Commerce Man of the Year.

S.R. 162 - By Gallegos: Commending Patsy Arnold of Galena Park for her leadership in the community and for being chosen the 1995 Galena Park Chamber of Commerce Woman of the Year.

S.R. 163 - By Ellis: Commending the career of service of former Representative Wilhelmina Delco to the citizens of Texas.

S.R. 165 - By Lucio: Commending Southwest Airlines for its service to the Rio Grande Valley and on the occasion of its 20th anniversary.

H.C.R. 6 - (Cain): Designating Wills Point as the Bluebird Capital of Texas.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 11:28 a.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

February 7, 1995

JURISPRUDENCE — **S.B. 320, S.B. 113 (Amended), C.S.S.B. 316**

ADMINISTRATION — **S.C.R. 30**

ECONOMIC DEVELOPMENT — **S.B. 237**

SIGNED BY GOVERNOR

(February 7, 1995)

S.C.R. 29

H.C.R. 38

H.C.R. 42